

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

DOREN D. HERBEL,)
)
 Plaintiff,)
)
v.) Case No. 16-CV-678-FHM
)
NANCY A. BERRYHILL, Acting)
Commissioner of the Social)
Security Administration,)
)
 Defendant.)

OPINION AND ORDER

Plaintiff seeks an award of attorney fees in the amount of \$4,253.90 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. [Dkt. 22]. The Commissioner has no objection to Plaintiff being awarded fees in the requested amount. [Dkt. 23].

The court finds that the amount of the fee request is reasonable. Based on that finding and the absence of any objection to the amount of the fee request, the undersigned finds that Plaintiff should be awarded EAJA fees in the amount of \$4,253.90. Pursuant to the Commissioner's usual practice, the check should be made payable to Plaintiff and mailed to counsel's address. If Plaintiff's attorney receives the fees awarded herein and attorney fees are also awarded and received by counsel under 42 U.S.C. § 406(b) of the Social Security Act, counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

Plaintiff's Motion for Award of Attorney's Fees Under the Equal Access to Justice Act, [Dkt. 22], is GRANTED as provided herein.

SO ORDERED this 3rd day of November, 2017.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE